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Defendant, *pro se*
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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 SAN JOSE DIVISION
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|--|---|---|
| 9 COUPONS, INC., a California corporation, |) | Case No. 5:07-cv-03457 HRL |
| |) | |
| 10 Plaintiff, |) | [PROPOSED] ORDER GRANTING |
| |) | DEFENDANT JOHN STOTTMIRE'S |
| 11 v. |) | MOTION TO DISMISS COUPONS, |
| |) | INC.'S THIRD AMENDED COMPLAINT |
| 12 JOHN STOTTMIRE, and DOES 1-10, |) | PURSUANT TO RULE 12(B)(6) OF THE |
| |) | FEDERAL RULES OF CIVIL |
| 13 Defendant |) | PROCEDURE |
| |) | |
| |) | Courtroom: 2, 5 th Floor |
| |) | Judge: Hon. Howard R. Lloyd |
| |) | |

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17 This matter came before the court on November 4, 2008 on Defendant John Stottlemire's
18 Motion to Dismiss Coupons, Inc.'s third amended first claim for relief, third amended second
19 claim for relief, third amended third claim for relief, third amended fourth claim for relief and third
20 amended fifth claim for relief of the third amended complaint for failure to state a claim on which
21 relief can be granted and for lack of subject matter jurisdiction. The court reviewed the parties'
22 written submissions and oral argument and finds as follows:

- 23 1.) The first, second third and fourth claim for relief fail to state a claim on which relief
24 can be granted;
25 2.) The fifth claim for relief lacks subject matter jurisdiction.

26 Therefore, based upon the above findings and being fully advised in the premises, it is
27 **ORDERED** that John Stottlemire's motion to dismiss Coupons, Inc.'s First Claim For Relief,
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[PROPOSED] Order Granting Defendant John Stottlemire's Motion to Dismiss Coupons, Inc.'s
Third Amended Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure
No. 5:07-cv-03457 HRL
- 1 -

1 Second Claim For Relief, Third Claim For Relief and Fourth Claim For Relief under Federal Rules
2 of Civil Procedure 12(b)(6); and John Stottlemire's motion to dismiss Coupons, Inc.'s Fifth Claim
3 For Relief under Federal Rules of Civil Procedure 12(b)(1) are **GRANTED** and the First Claim
4 For Relief, Second Claim For Relief, Third Claim For Relief, Fourth Claim For Relief and Fifth
5 Claim For Relief of the third amended complaint are **DISMISSED** without leave to amend.

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8 Honorable Howard R. Lloyd
United States Magistrate Judge

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10 Presented By:

11
12 /s/
13 John Stottlemire
14 Defendant, *pro se*